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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,467

07/24/2003

Anthony L. Priborsky

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1329

26861

7590

09/19/2008

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EXAMINER

PHAN, MAN U

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

09/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/626,467	Applicant(s) PRIBORSKY, ANTHONY L.	
	Examiner Man Phan	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-11,13,16-19,21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 3,5,6,12,14,15,20 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application of Priborsky for the "Methods Dynamic control of physical layer quality on a serial bus" filed 07/24/2003 has been examined. Claims 1-25 are pending in the application.

2. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols @, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

Claim Rejections - 35 USC ' 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "*the disc drive*" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 7-11, 13, 16-19, 21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari et al. (US#6,829,663) in view of Lo et al. (US#2004/0010625).

With respect to claims 1, 10 and 19, the references disclose a novel system and method for controlling a PHY layer of user data transmitted between first and second ends of a serial bus, according to the essential features of the claims. Ghaffari et al. (US#6,829,663) discloses an interface device (104) for the synchronous transfer of data over serial ATA (116), comprising: a link layer portion (132) for receiving the data from a device (Ghaffari discloses frames of data are passed between the link layer 132 and the physical layer 136, and between the physical layer 136 and the serial device 116 as 10B/8B encoded data, since it is duplex communications, inherently the link layer would also receive data from the serial device; col. 6: lines 6-9); and a physical layer portion (136); a status monitor (232) for detecting the status of the link layer portion (col. 6: lines 24-25); a fix pattern generator (212, 216) for providing primitive formats responding to the status of the link layer portion (e.g., performing either primitive coding or encoding depending on the status of the link layer; col. 6: lines 9-14); and a physical layer controller (136) for directly returning the primitive formats to the device without receiving the primitive formats to the link layer portion (Ghaffari discloses frames of data passed between the physical layer 136 and the serial device 115 as 10B/8B encoded data; col. 6: lines 6-8).

However, Ghaffari does not explicitly disclose the physical layer portion comprising a status monitor, a fix pattern generator, and a physical controller. In the same field of endeavor, Lo et al. (US#2004/0010625) teaches in Fig. 3 a block diagram illustrated the physical portion

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includes a status monitor (361), a fix pattern generator (362), and a physical layer controller (363), in which the link layer portion 34 generates some primitives indicating the state of the layer portion 34 by link state machine. The status monitor 361 continues to detect the status of the link layer portion 34. The fix pattern generator 362 generates primitive formats responding to the status of the link layer portion 34 detected by the status monitor 361, such as XRDY and RRDY. The physical layer controller 363 directly returns the primitive formats to the device 30 without receiving the primitive formats to the link layer portion ([0023] plus). High Performance Serial Bus has been in practical use widely, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Lo's method of transferring data over a serial bus in Ghaffari's system so that high speed communication between any node device can be achieved.

Regarding claims 2, 4, 11, 13 and 21, Ghaffari- Lo disclose the claimed invention as described above. Ghaffari also discloses the link controller for controlling the PHY layer in real time (Col. 4: lines 22-34; Col. 4, lines 63 - Col. 5, line 2).

Regarding claims 7-9, 16-18 and 23-25, Ghaffari- Lo disclose the claimed invention as described above. Furthermore, in a computer system, functional devices such as disc drives and disc drive controllers in a host computer system are typically connected by transceivers to a transmission line and various connectors that serve as a serial bus are well known in the art of communications control system.

One skilled in the art of communications would recognize the need for controlling a PHY layer of user data transmitted between first and second ends of a serial bus, and would apply Lo's novel use of a interface device for the synchronous transfer of data over serial ATA into

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Ghaffari's operating layers of an adapter interconnected to a computer system. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Lo's interface device and method for transferring data over serial ATA into Ghaffari's method and apparatus for the synchronous control of a serial interface with the motivation being to provide a system and method for dynamic control of physical layer quality on a serial bus.

Allowable Subject Matter

6. Claims 3, 5, 6 and 12, 14, 15, 20, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein the first controller dynamically calibrates the sensed physical layer quality; wherein the transmitted physical layer quality also includes adjustable pre-emphasis; wherein the second quality sensing circuit comprises: a physical layer quality sensor sensing the received first signal; a quality standard; and a quality compare circuit comparing the received first signal to the quality standard and providing the second control primitives; wherein the second control primitives also includes an indication of frequency rolloff; and wherein the control system includes a second control system, substantially the same as the control system, the second control system controlling a second physical layer quality in a direction on the serial bus that is opposite to the direction of control of

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the control system, to provide bi-directional physical layer quality control on the serial bus, as specifically recited in the claims.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Shinozuka (US#6,560,200) is cited to show the serial bus experimental apparatus.

The Fowler et al. (US#5,455,918) is cited to show the data transfer accelerating apparatus and method.

The Hoch et al. (US#2005/0251588) is cited to show the method and apparatus for supporting access of a serial ATA storage device by multiple hosts with separate host adapters.

The Nemazie (US#2005/0186832) is cited to show the dual port serial advanced technology attachment (SATA) disk drive.

The Nemazie (US#2004/0252716) is cited to show the serial advanced technology attachment (SATA) switch.

The Racey (US#4,907,186) is cited to show the data direct ingest system.

The Skraparlis (US#2005/0237971) is cited to show the adaptive MIMO systems.

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The Gercekci et al. (US#5,499,338) show the bus system having a system bus, an internal bus with functional units coupled therebetween and a logic unit for use in such system.

The Ikeda et al. (US#2007/0230480) is cited to show the method and system for controlling QoS of IP packet in PON system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

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Mphan

09/15/2008

/Man Phan/

Primary Examiner, Art Unit 2619